

MILITARY OVERFLIGHTS

*Exchange of notes at Ottawa February 13, 1945, with memorandum
regarding route schedules*

Entered into force February 13, 1945

*Terminated August 5, 1952*¹

62 Stat. 3943; Treaties and Other
International Acts Series 2056

*The American Chargé d'Affaires ad interim to the Secretary of State
for External Affairs*

EMBASSY OF THE
UNITED STATES OF AMERICA
Ottawa, Canada, February 13, 1945

No. 285

SIR:

With reference to negotiations that have recently taken place between representatives of the United States and Canadian Governments respecting air services of the Armed Forces of the United States and Canada, I have the honor to propose that an agreement be entered into between the two Governments as follows:

I

Subject to such conditions as may from time to time be agreed upon between the Armed Forces of Canada and the Armed Forces of the United States, aircraft of the United States Armed Forces engaged in air transport or ferry services (including aircraft being delivered to third countries) whether operated and maintained directly by military personnel or by United States or Canadian civilian personnel under contract with the United States Armed Forces, may, during the present war, fly into, through and away from Canada and may use all airway facilities including landing fields, meteorological services, radio ranges and radio communications which are available to aircraft of the Armed Forces of Canada, and, subject to the concurrence of the Government of Newfoundland, all similar airway facilities operated by Canada in Newfoundland territory, along the routes which they are now flying and which are set forth in Part One of the attached confidential memoran-

¹ Pursuant to notice of termination given by Canada Feb. 5, 1952.

dum, provided that aircraft operated and maintained by civilian personnel under contract with the United States Armed Forces shall be restricted to the routes indicated in Part One A of the attached confidential memorandum.

II

Subject to such conditions as may from time to time be agreed upon between the Armed Forces of Canada and the Armed Forces of the United States, aircraft of the Armed Forces of Canada engaged in air transport or ferry services (including aircraft being delivered to third countries) whether operated and maintained directly by military personnel or by Canadian or United States civilian personnel under contract with the Armed Forces of Canada, may, during the present war, fly into, through and away from United States territory, including Alaska and Hawaii, and may use all airway facilities including landing fields, meteorological services, radio ranges and radio communications, which are available to aircraft of the United States Armed Forces in such territory, and, subject to the concurrence of the Government of Newfoundland, all similar airway facilities operated by the United States in Newfoundland territory, along the routes which they are now flying and which are set forth in Part Two of the attached confidential memorandum, provided that aircraft operated and maintained by civilian personnel under contract with the Armed Forces of Canada shall be restricted to the routes indicated in Part Two A of the attached confidential ² memorandum.

III

(a) The Armed Forces of the United States will not establish over Canadian territory regular flying routes for air transport or ferry services additional to those which are set forth in Part One B of the attached confidential memorandum without first having sought and obtained the approval of the Government of Canada. The Government of Canada agrees to give prompt and sympathetic consideration to any request submitted by the Government of the United States for additional routes for air transport or ferry services which the latter Government believes to be desirable to meet the changing conditions of war.

(b) Except in an emergency not extending for a period longer than 60 days, the Armed Forces of the United States will not cause any civilian contractors additional to the contractors listed in Part One A of the attached memorandum to operate air transport services over Canadian territory, nor will they cause the contractors listed in the said memorandum to operate services over routes other than as indicated therein, without first having sought and obtained the approval of the Government of Canada.

IV

(a) The Armed Forces of Canada will not establish over the territory of the United States, including Alaska and Hawaii, regular flying routes for

² The memorandum was later declassified.

air transport or ferry services additional to those which are set forth in Part Two B of the attached confidential memorandum without first having sought and obtained the approval of the Government of the United States. The Government of the United States agrees to give prompt and sympathetic consideration to any request submitted by the Government of Canada for additional routes for air transport or ferry services which the latter Government believes to be desirable to meet the changing conditions of war.

(b) Except in an emergency not extending for a period longer than 60 days, the Armed Forces of Canada will not cause any civilian contractors additional to the contractors listed in Part Two A of the attached memorandum to operate air transport services over United States territory, including Alaska and Hawaii, nor will they cause the contractors listed in the said memorandum to operate services over routes other than as indicated therein, without first having sought and obtained the approval of the Government of the United States.

V

Aircraft operated on behalf of the United States Armed Forces by civilian personnel under contract with the United States Armed Forces over routes in Canada shall conform in all respects with such regulations governing traffic control, routing and recognition as may be applicable to aircraft operated in air transport or ferry services by military personnel of the Armed Forces of the United States and of Canada in Canada. Neither the aircraft nor the civilian personnel engaged in the operation or maintenance thereof nor any office or other building used by the aircraft or the civilian personnel (unless also used by such civilian contractor in conjunction with authorized civil air transport services) shall bear or display any identifying markings or insignia advertising or publicizing the name of any commercial airline company.

VI

Aircraft operated on behalf of the Armed Forces of Canada by civilian personnel under contract with the Armed Forces of Canada over routes in the United States, including Alaska and Hawaii, shall conform in all respects with such regulations governing traffic control, routing and recognition as may be applicable to aircraft operated in air transport or ferry services by military personnel of the Armed Forces of Canada and of the United States in the United States, including Alaska and Hawaii. Neither the aircraft nor the civilian personnel engaged in the operation or maintenance thereof nor any office or other building used by the aircraft or the civilian personnel (unless also used by such civilian contractor in conjunction with authorized civil air transport services) shall bear or display any identifying markings or insignia advertising or publicizing the name of any commercial airline company.

VII

(a) No passengers, goods or mail originating at or destined to points in Canada shall be carried for reward or hire on any aircraft operated by or on behalf of the Armed Forces of the United States into, through or away from Canada pursuant to the provisions of Articles I and III of this agreement. Similarly, no passengers, goods or mail originating at or destined to points in the United States, including Alaska and Hawaii, shall be carried for reward or hire on any aircraft operated by or on behalf of the Armed Forces of Canada into, through or away from the United States, including Alaska and Hawaii, pursuant to the provisions of Articles II and IV of this agreement.

(b) Passengers, goods and mail other than those referred to in paragraph (a) of this Article may be carried for reward or hire on the aircraft referred to in this Article.

(c) The traffic of the aircraft referred to in paragraph (b) of this Article which may be carried shall be limited to passengers, goods or mail, the transportation of which is important in furtherance of the prosecution of the war, to relief or rehabilitation activities, or necessary to speed a return to peace-time conditions.

VIII

The provisions of this agreement shall not be applicable to the tactical movement of combat type aircraft or to occasional flights of transport type aircraft belonging to the Armed Forces of either government, nor to any service conducted by a commercial airline company over a route for which it holds a certificate, license or permit issued by the competent aeronautical authorities of the respective Governments.

IX

Upon entry into force of this agreement, the provisions hereof shall supersede any undertakings between the Government of Canada and the Government of the United States inconsistent therewith and pertaining to this subject and these undertakings shall not be deemed to be revived on termination of this agreement.

X

Notwithstanding the provisions of Articles I and II of this agreement, this agreement may be terminated at any time on six months' notice given in writing by either government to the other government. All rights acquired by either government under this agreement shall terminate for all purposes at the end of the present war. This agreement shall come into force on the 13th day of February, 1945.

If these proposals are acceptable to the Government of Canada this note and your reply thereto, accepting the proposals, shall be regarded as placing

on record the understanding arrived at between the two Governments concerning this matter.

Accept, Sir, the renewed assurances of my highest consideration.

LEWIS CLARK
Chargé d'Affaires ad interim

Enclosure

The Right Honorable
THE SECRETARY OF STATE
FOR EXTERNAL AFFAIRS,
Ottawa.

PART ONE

THE UNITED STATES

A. Routes which may be operated by civil air carriers under contract with the Armed Forces of the United States.

1. Great Falls to Fairbanks via Lethbridge—Calgary—Edmonton—Grand Prairie—Fort St. John—Fort Nelson—Watson Lake—Whitehorse—Northway—Tanacross—Big Delta.

Northwest Airlines, Incorporated
Western Air Lines, Incorporated

2. Seattle to Edmonton.

Northwest Airlines, Incorporated
United Air Lines Transport Corporation

3. Minneapolis or Fargo to Edmonton via Regina.

Northwest Airlines, Incorporated

4. Seattle to Annette Island via Prince George.

Northwest Airlines, Incorporated
Pan American Airways, Incorporated
United Air Lines Transport Corporation

5. Seattle to Alaska via Annette Island and Juneau crossing over Canadian territory, or via Prince George—Fort St. John—Fort Nelson—Watson Lake—Whitehorse—Northway—Tanacross—Big Delta.

Northwest Airlines, Incorporated
Pan American Airways, Incorporated
United Air Lines Transport Corporation

6. Canol Project:

Edmonton—Waterways—Embarras—Fort Smith—Resolution—Hay River—Providence—Mills Lake—Wrigley—Norman—Canol Camp or Norman Wells.

Between any of the following points: Edmonton—Waterways—Embarras—Fort Smith—Resolution—Hay River—Providence—Mills Lake—Simpson—Wrigley—Norman—Canol Camp or Norman Wells.

Northwest Airlines, Incorporated
United Air Lines Transport Corporation

7. Presque Isle or other points in Eastern United States to United Kingdom or Port Lyautey via Gander, Harmon, Botwood or Shediac.

American Export Airlines, Incorporated
Pan American Airways, Incorporated

8. Presque Isle or other points in Eastern United States to United Kingdom via Goose Bay, Gander, Harmon, Botwood or Shediac.

American Airlines, Incorporated
Transcontinental & Western Air, Incorporated

9. Presque Isle or other points in Eastern United States to Marrakech via Gander.

American Airlines, Incorporated
Transcontinental & Western Air, Incorporated

10. Presque Isle or other points in Eastern United States to Greenland or Iceland via Goose Bay.

American Airlines, Incorporated
Northeast Airlines, Incorporated
Transcontinental & Western Air, Incorporated

11. Presque Isle or other points in Eastern United States to Goose Bay-BW-1 (or BW-8) Iceland or BW-2.

American Airlines, Incorporated
Northeast Airlines, Incorporated
Transcontinental & Western Air, Incorporated

12. On flights from points in the United States to Newfoundland, Greenland or Iceland, stops may be made at Dorval or Mingan en route.

American Airlines, Incorporated
Northeast Airlines, Incorporated
Transcontinental & Western Air, Incorporated

13. Crimson Route

Northeast Airlines, Incorporated

B. Routes which may be operated by the Armed Forces of The United States.

1. All of the routes listed in A above.
2. Columbus to Fort William via Minneapolis and Duluth.
3. Columbus to Montreal via Detroit, Toronto and Ottawa.
4. New York to Argentia via Sydney, Nova Scotia.
5. Fort William to Minneapolis.

PART TWO

CANADA

A. Routes which may be operated by civil air carriers under contract with the Armed Forces of Canada.

None

B. Routes which may be operated by the Armed Forces of Canada.

1. Megantic to Moncton via Millinocket and Houlton.

The Secretary of State for External Affairs to the American Ambassador

DEPARTMENT OF
EXTERNAL AFFAIRS
CANADA

No. 12

OTTAWA, *February 13, 1945*

EXCELLENCY:

I have the honour to acknowledge your note No. 285 of February 13 in which you propose that an agreement be entered into between the Canadian and United States Governments concerning air services of the Armed Forces of Canada and the United States.

The proposals set forth in your note are acceptable to the Canadian Government, and it is agreed that your note and this reply shall be regarded as placing on record the understanding arrived at between the two Governments concerning this matter.

Accept, Excellency, the renewed assurances of my highest consideration.

N. A. ROBERTSON

for

*Secretary of State
for External Affairs*

His Excellency

THE UNITED STATES AMBASSADOR TO CANADA,
*Embassy of the United States of America,
Ottawa, Canada.*